



Planning Enquiries
Phone: (03) 5220 7111
Email: enquiries@gplains.vic.gov.au
Web: www.goldenplains.vic.gov.au

Office Use Only

VicSmart?

☐ YES

☐ NO

Specify class of VicSmart application:

Application No.:

Date Lodged: / /

Application for a Planning Permit

If you need help to complete this form, read MORE INFORMATION at the back of this form.

Any material submitted with this application, including plans and personal information, will be made available for public viewing, including electronically, and copies may be made for interested parties for the purpose of enabling consideration and review as part of a planning process under the Planning and Environment Act 1987. If you have any concerns, please contact Council's planning department.

Questions marked with an asterisk (*) must be completed.

If the space provided on the form is insufficient, attach a separate sheet.

Click for further information.

Clear Form

Application Type

Is this a VicSmart application?*

☒ No ☐ Yes

If yes, please specify which
VicSmart class or classes:

If the application falls into one of the classes listed under Clause 92 or the schedule to Clause 94, it is a VicSmart application.

Pre-application Meeting

Has there been a
pre-application meeting
with a Council planning
officer?

☐ No ☒ Yes

If 'Yes', with whom?: Peter O'Brien

Date: 20/05/2016

day / month / year

The Land

Address of the land. Complete the Street Address and one of the Formal Land Descriptions.

Street Address *

Unit No.:

St. No.:

St. Name: Lightwood Park Road

Suburb/Locality: Smythesdale

Postcode: 3533

Formal Land Description *

Complete either A or B.

This information can be found on the certificate of title.

If this application relates to more than one address, attach a separate sheet setting out any additional property details.

A

Lot No.:

☐ Lodged Plan

☐ Title Plan

☐ Plan of Subdivision

No.:

OR

B

Crown Allotment No.: 10 & 11

Section No.: 1A

Parish/Township Name: Carngham

The Proposal

⚠ You must give full details of your proposal and attach the information required to assess the application. Insufficient or unclear information will delay your application.

i For what use, development or other matter do you require a permit?

Nine lot subdivision

☒ Provide additional information about the proposal, including: plans and elevations; any information required by the planning scheme, requested by Council or outlined in a Council planning permit checklist; and if required, a description of the likely effect of the proposal.

Cost \$

⚠ You may be required to verify this estimate. Insert '0' if no development is proposed.

i Estimated cost of any development for which the permit is required *

If the application is for land within metropolitan Melbourne (as defined in section 3 of the *Planning and Environment Act 1987*) and the estimated cost of the development exceeds \$1 million (adjusted annually by CPI) the Metropolitan Planning Levy must be paid to the State Revenue Office and a current levy certificate must be submitted with the application. Visit www.sro.vic.gov.au for information.

Existing Conditions **i**

Describe how the land is used and developed now *

For example, vacant, three dwellings, medical centre with two practitioners, licensed restaurant with 80 seats, grazing.

See planning report

☒ Provide a plan of the existing conditions. Photos are also helpful.

Title Information **i**

Encumbrances on title *

Does the proposal breach, in any way, an encumbrance on title such as a restrictive covenant, section 173 agreement or other obligation such as an easement or building envelope?

☐ Yes (If 'yes' contact Council for advice on how to proceed before continuing with this application.)

☒ No

☐ Not applicable (no such encumbrance applies).

☒ Provide a full, current copy of the title for each individual parcel of land forming the subject site. The title includes: the covering 'register search statement', the title diagram and the associated title documents, known as 'instruments', for example, restrictive covenants.

Applicant and Owner Details **i**

Provide details of the applicant and the owner of the land.

Applicant *

The person who wants the permit.

Please provide at least one contact phone number *

Where the preferred contact person for the application is different from the applicant, provide the details of that person.

Owner *

The person or organisation who owns the land

Where the owner is different from the applicant, provide the details of that person or organisation.

Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State:
Postcode:		
Contact information for applicant OR contact person below		
Business phone:	Er	
Mobile phone:		Fax:
Contact person's details* Same as applicant <input type="checkbox"/>		
Name:		
Title:	First Name:	Surname:
Organisation (if applicable):		
Postal Address:		If it is a P.O. Box, enter the details here:
Unit No.:	St. No.:	St. Name:
Suburb/Locality:		State:
Postcode:		
Owner's Signature (Optional):		
Date:		day / month / year

Information requirements

Is the required information provided?

Contact Council's planning department to discuss the specific requirements for this application and obtain a planning permit checklist.

☒ Yes ☐ No

Declaration **i**

This form must be signed by the applicant *

▲ Remember it is against the law to provide false or misleading information, which could result in a heavy fine and cancellation of the permit.

I declare that I am the applicant; and that all the information in this application is true and correct; and the owner (if not myself) has been notified of the permit application.

Signature:

Date: 07/03/2017

day / month / year



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 10616 FOLIO 983

Security no : 124058908019X
Produced 02/02/2016 00:46 am

CROWN GRANT

LAND DESCRIPTION

Crown Allotment 11 Section 1A Parish of Carngham.

REGISTERED PROPRIETOR

Estate Fee Simple

Sole Proprietor

SEISON PTY LTD of UNIT 2 19 BURLEIGH STREET SPOTSWOOD VIC 3015
AK317936P 01/05/2013

ENCUMBRANCES, CAVEATS AND NOTICES

Any crown grant reservations exceptions conditions limitations and powers noted on the plan or imaged folio set out under DIAGRAM LOCATION below. For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP824776C FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: LIGHTWOOD PARK ROAD SMYTHESDALE VIC 3351

DOCUMENT END

TITLE PLAN

EDITION 1

TP 824776 C

Location of Land

Parish : CARNHAM
Township : STANLEY
Crown Allotment : 11
Crown Portion :
Section : 1 A
Last Plan Reference :
Title References : V 10616 F 983
Depth Limitation : 15.00 m

Notations

SUBJECT TO THE RESERVATIONS EXCEPTIONS CONDITIONS
AND POWERS CONTAINED IN CROWN GRANT
VOL. 10616 FOL. 983
AND NOTED ON SHEET 2 OF THIS PLAN

Easement Information

E - Encumbering Easement

R - Encumbering Easement (ROAD)

A - Appurtenant Easement

Easement Reference	Purpose / Authority	Width (Metres)	Origin	Land benefited / In favour of

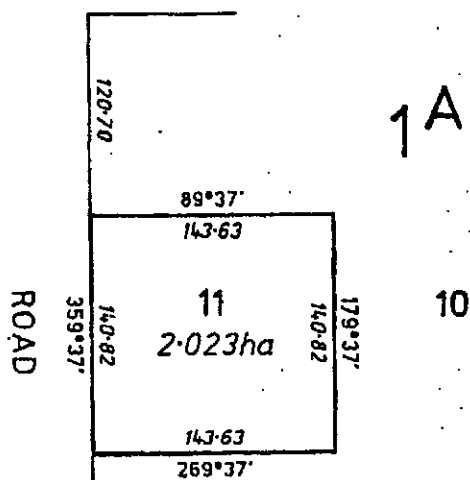
THIS PLAN HAS BEEN PREPARED BY
LAND REGISTRY, LAND VICTORIA. FOR
TITLE DIAGRAM PURPOSES

Checked by :

[Signature]
Assistant Registrar of Titles

Date 17/11/2003

ROAD



LENGTHS ARE IN
METRES

SCALE

SHEET
SIZE
A3

RESERVATIONS EXCEPTIONS CONDITIONS AND POWERS

Provided that this Grant is made subject to -

- (a) the reservation to Us Our heirs and successors of -
 - (i) any minerals within the meaning of the *Mineral Resources Development Act 1990* and petroleum within the meaning of the *Petroleum Act 1958* (hereinafter called "the reserved minerals");
 - (ii) rights of access for the purpose of searching for and obtaining the reserved minerals in any part of the said land;
 - (iii) rights for access and for pipe-lines works and other purposes necessary for obtaining and conveying on and from the said land any of the reserved minerals which is obtained in any part of the said land;
- (b) the right to resume the said land for mining purposes pursuant to section 205 of the *Land Act 1958*;
- (c) the right of any person being a licensee under the *Mineral Resources Development Act 1990* or any corresponding previous enactment to enter on the said land and to do work within the meaning of that Act and to erect and occupy mining plant or machinery thereon in the same manner and under the same conditions and provisions as those under which such a person has now the right to do such work in and upon Crown lands provided that compensation as prescribed by Part 8 of that Act is paid for surface damage to be done to the said land by reason of doing such work on it.
- (d) the condition that the grantees shall take the said land notwithstanding any defects arising from the past user thereof for mining purposes or from any reclamation work carried out thereon or from any other cause whatsoever and that no warranty shall be implied herein as to the fitness of the said land for any purpose.



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**REGISTER SEARCH STATEMENT (Title Search) Transfer of
Land Act 1958**

Page 1 of 1

VOLUME 07704 FOLIO 115

Security no : 124058907824K
Produced 01/02/2016 09:40 pm

LAND DESCRIPTION

Crown Allotment 10 Section 1A Parish of Carngham.
PARENT TITLE Volume 07358 Folio 525
Created by instrument 2486381 28/04/1952

REGISTERED PROPRIETOR

Estate Fee Simple
Sole Proprietor
SEISON PTY LTD of UNIT 2 19 BURLEIGH STREET SPOTSWOOD VIC 3015
AK317936P 01/05/2013

ENCUMBRANCES, CAVEATS AND NOTICES

For details of any other encumbrances see the plan or imaged folio set out under DIAGRAM LOCATION below.

DIAGRAM LOCATION

SEE TP885385Y FOR FURTHER DETAILS AND BOUNDARIES

ACTIVITY IN THE LAST 125 DAYS

NIL

-----END OF REGISTER SEARCH STATEMENT-----

Additional information: (not part of the Register Search Statement)

Street Address: LIGHTWOOD PARK ROAD SMYTHESDALE VIC 3351

DOCUMENT END

TITLE PLAN

EDITION 1

TP 885385Y

LOCATION OF LAND

Parish: CARNGHAM
Township: -
Section: 1A
Crown Allotment: 10
Crown Portion: -

Last Plan Reference: -
Derived From: VOL.7704 FOL.115
Depth Limitation: 15.24 METRES BELOW THE SURFACE

Notations

ANY REFERENCE TO MAP IN THE TEXT MEANS THE DIAGRAM SHOWN ON THIS TITLE PLAN

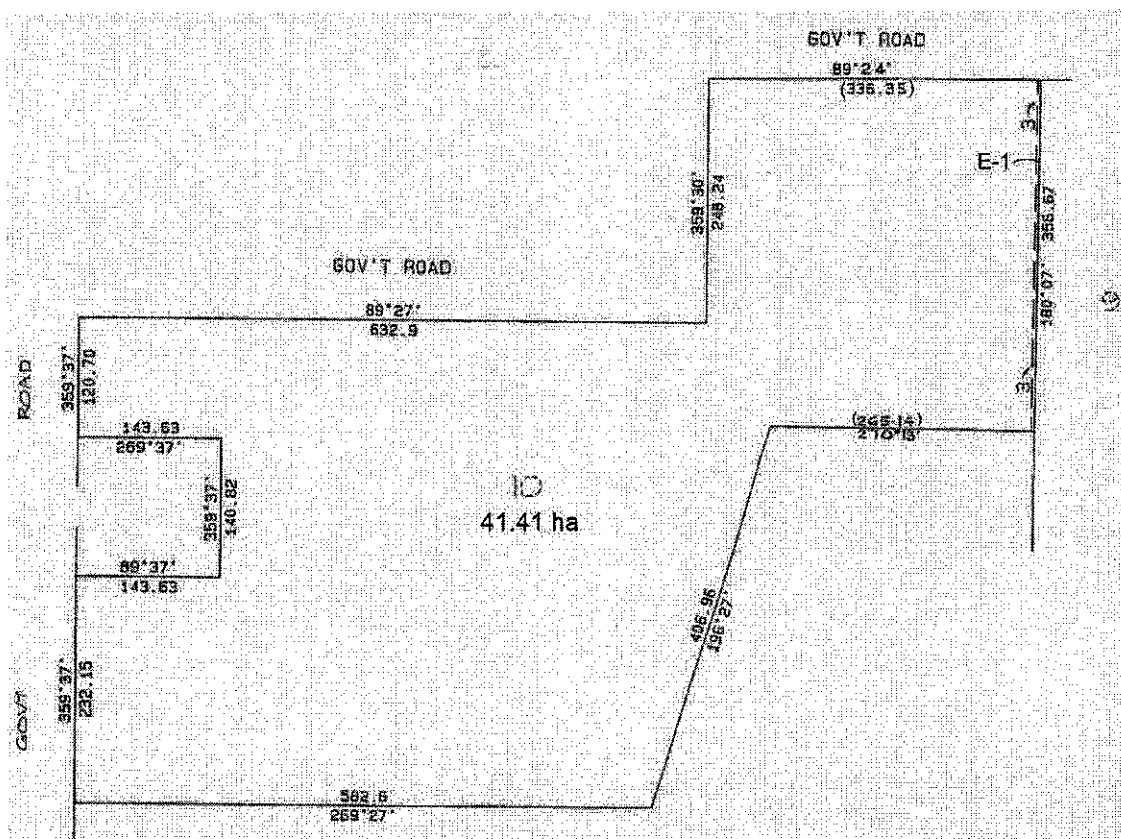
Description of Land/Easement Information

ENCUMBRANCES

AS TO THE LAND MARKED E-1
AN EASEMENT FOR SUPPLY OF WATER
HAS BEEN ACQUIRED BY BALLARAT WATER BOARD
VIDE NOTIFICATION R739831V

THIS PLAN HAS BEEN PREPARED
BY LAND REGISTRY, LAND
VICTORIA FOR TITLE DIAGRAM
PURPOSES

COMPILED: Date:03/10/2007
VERIFIED: A. DALLAS
Assistant Registrar of Titles



LENGTHS ARE IN
METRES

Metres = 0.3048 Feet
Metres = 0.201168 x Links

Sheet 1 of 1 Sheets

Imaged Document Cover Sheet

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Document Type	instrument
Document Identification	R739831V
Number of Pages (excluding this cover sheet)	3
Document Assembled	10/09/2013 01:02

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The document is invalid if this cover sheet is removed or altered.

REGD

NEVETT FORD

815A

JUNE 1990 88-2 327 R739831V

R739831 V

NEVETT FORD, SOLICITORS, BALLARAT

V I C T O R I A

TRANSFER OF LAND ACT 1958

(SECTION 88(2))

SCHEDULE 28

NOTIFICATION OF CHANGE EASEMENT OR RIGHT

To the Registrar of Titles -

BALLARAT WATER BOARD has pursuant to Section 14 of
4 of the Land Acquisition and Compensation Act
and Section 130 of the Water Act 1989
1986/ acquired ~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~
XXXXXXXXXX an easement for the installation and
maintenance of water supply pipeline facilities
over ALL THAT piece of land/ being part of marked "E1" on the attached plan
Certificate of Title Volume 7704 Folio 115.

DATE: 14 day of March, 1991.

THE COMMON SEAL of

THE BALLARAT WATER BOARD

was hereunto affixed in

the presence of:

88(2)

Vol 7704 Fol 115 (Pr)

TO

BALLARAT WATER BOARD

RM 18.3.92.

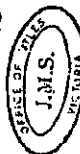
SK RM 18.3.92.

Chairman

Member

Secretary

A memorandum of this within instrument
has been entered in the Register Book



17 JUL 1991
10-2-92

3826 G 50 19 December 1990

Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: Telomare Pty. Ltd.

Interest Acquired: Easement for Water Supply
Purpose:

Land in which Interest Subsists: Portion of land known as Lot 2 on Plan of Subdivision No. 141781, Parish of Smythesdale.

Title Details: Certificate of Title Volume 9501, Folio 320.

Ballarat Water Board Plan No. 19-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12846
Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: R. J. & V. J. Peoples

Interest Acquired: Easement for Water Supply
Purpose:

Land in which Interest Subsists: Portion of land known as Lot 5 on Plan of Subdivision No. 121638, Parish of Smythesdale.

Title Details: Certificate of Title Volume 9267, Folio 884.

Ballarat Water Board Plan No. 18-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12849
Finance and Corporate Services
Ballarat Water Board

Victoria Government Gazette

Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: G. A. I. & D. I. Home

Interest Acquired: Easement for Water Supply
Purpose:

Land in which Interest Subsists: Portion of land known as Lot 16 on Plan of Subdivision No. 121638, Parish of Smythesdale.

Title Details: Certificate of Title Volume 9267, Folio 895.

Ballarat Water Board Plan No. 18-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12848
Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: H. J. Fraser and W. R. White

Interest Acquired: Easement for Water Supply
Purpose:

Land in which Interest Subsists: Portion of land known as Lot 10, Section 1A, Parish of Carngaham.

Title Details: Certificate of Title Volume 7704, Folio 115.

Ballarat Water Board Plan No. 20-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12851
Finance and Corporate Services
Ballarat Water Board

Victoria Government Gazette

Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: A. D. Hart

Interest Acquired: Easement for Water Supply
Purpose:

Land in which Interest Subsists: Portion of land known as Lot 1 on Plan of Subdivision No. 141781, Parish of Smythesdale.

Title Details: Certificate of Title Volume 9634, Folio 379 and Certificate of Title Volume 9501, Folio 319.

Ballarat Water Board Plan No. 19-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12850
Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: R. W. & L. M. Steadland

Interest Acquired: Easement for Water Supply
Purpose:

Land in which Interest Subsists: Portion of land known as Lot 33 on Plan of Subdivision No. 137304, Parish of Smythesdale.

Title Details: Certificate of Title Volume 9472, Folio 234.

Ballarat Water Board Plan No. 19-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12847
Finance and Corporate Services
Ballarat Water Board

G 50 19 December 1990 3827

Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: L. L. & R. A. Atkins

Interest Acquired: Easement for Water Supply
Purpose:

Land in which Interest Subsists: Portion of land known as Lot 4 on Plan of Subdivision No. 121683, Parish of Smythesdale.

Title Details: Certificate of Title Volume 9267, Folio 883.

Ballarat Water Board Plan No. 18-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12852
Land Acquisition and Compensation Act 1986
Water Act 1989

NOTICE OF ACQUISITION

Compulsory Acquisition of Interest in Land
Smythesdale Distribution Main—Stage 2
The Ballarat Water Board declares by this notice it acquires the following interest in the land described hereunder:
Owner's Name: Telomare Pty. Ltd.

Interest Acquired: Easement for Water Supply
Purpose:

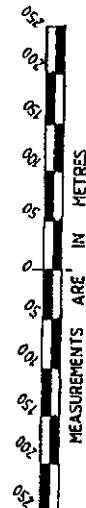
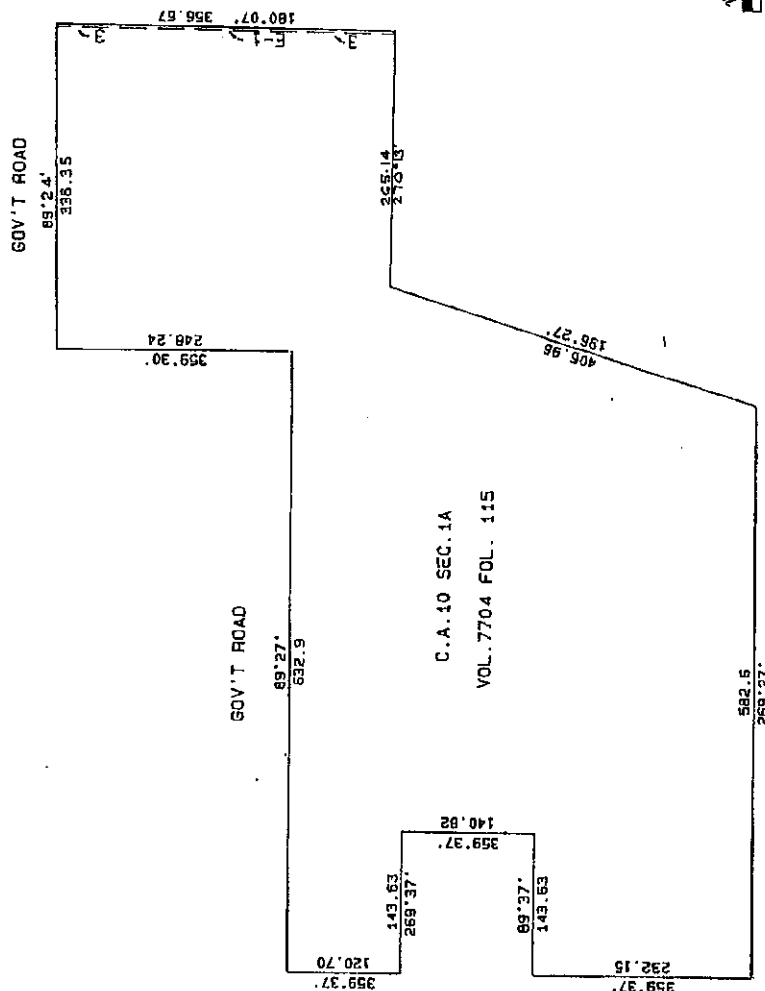
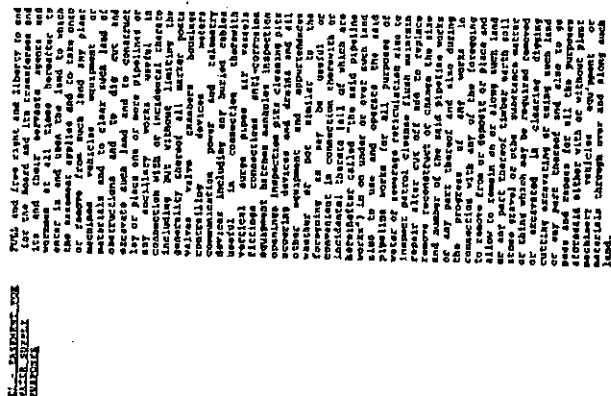
Land in which Interest Subsists: Portion of land known as Crown Allotment 2C Section 49 Parish of Smythesdale.

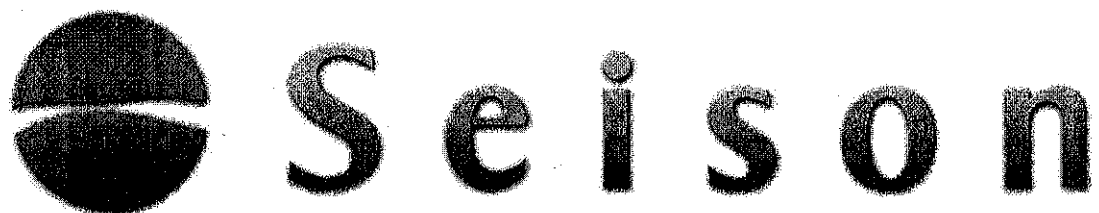
Title Details: Certificate of Title Volume 9388, Folio 521.

Ballarat Water Board Plan No. 17-1111-W14 detailing the location of the easement and the Board's rights in relation to the easement is available for perusal at the Offices of the Ballarat Water Board, 6 Grenville Street South, Ballarat 3350.

Published with the Authority of the Ballarat Water Board.
P. A. POLLARD
Executive Director,
Finance and Corporate Services
Ballarat Water Board

12853
Finance and Corporate Services
Ballarat Water Board

[illegible]



Planning permit application

Nine lot subdivision

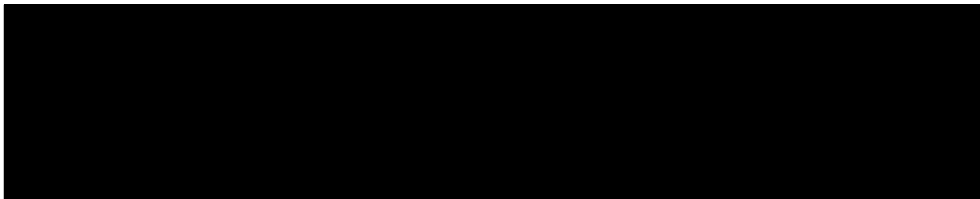
Lightwood Park Road Smythesdale

Parcels to be subdivided:

Crown Allotment 10, Section 1A, Parish of Carngham
&
Crown Allotment 11, Section 1A, Parish of Carngham

Introduction

This report is written to support an application for planning permit at the property known by the Golden Plains Shire Council as Lightwood Park Road Smythesdale, but more particularly described as Crown Allotments 10 & 11, Section 1A, Parish of Carngham.



The titles for the property are attached to this report. There are no restrictive covenants or section 173 Agreements encumbering the title. However Crown Allotment 10 is encumbered by an easement in favour of Central Highlands Water, which is attached to this report.

Daniel Prior and Gerard Kitchener of the Applicant have had a meeting regarding this site at the offices of the Department of Environment and Primary Industries, Mair Street Ballarat on 11th September 2013. At that meeting the proposal was discussed at length with Council, together with a member from CFA and three DEPI officers. Suggestions were made by the officers, particularly regarding reducing the overall number of lots proposed significantly (i.e., by half) and obtaining appropriate reports regarding vegetation removal and offset. Following the initial submission of a planning application, it was considered that a further meeting be held to address the proposal in the current planning environment given the lapse of time. A further meeting was held with Council, CFA and DELWP on 20th May 2016 where further feedback suggestions were provided by each authority and the Council planner and Council engineer. This application takes into account those suggestions and feedback.

Proposal

To subdivide Crown Allotments 10 & 11, Section 1A, Parish of Carngham into nine allotments. Eight allotments at a size of two hectares or greater and one allotment of the balance of the site.

Four of the proposed allotments are to abut Miner's Hut Road. The five allotments to abut a road to be constructed along the crown road reserve between lot 13 on LP117527 and the northern section of Crown Allotment 10, as per the attached proposed plan of subdivision. The boundaries of the allotments are not yet defined, but will accord generally with the proposed locations of the building envelopes as contained in the Ecology and Heritage Partners

Preliminary biodiversity assessment and offset investigation ("vegetation report") dated 22nd December 2016 and Bushfire Management statement ("BMO report") dated 22nd December 2016.

The vegetation that will need to be removed to accommodate the road and building envelopes will be offset in an allotment that will take up the southern portion of the site.

Site

Current conditions

The allotment is slightly undulating and has a dam on its western boundary. It is lightly treed over the property, save for the numerous tracks which weave through the property and the mullock heaps that dot the property.

There is access to the property by Miners Hut road, which has houses down both sides of the road. There is an unused road to the western boundary, being the extension of Lightwood Park Road. There is also an unused road along the northern boundary that runs from the west, and turns ninety degrees to meet Miners Hut Road. A copy of a letter regarding the Applicant's earlier application to licence the unmade road reserves is attached. The proposal to make this road will not affect the rights of those referred to in the Department's letter.

There are numerous tracks through the property, including three separate entrances from Miners Hut Road, and one from the unused extension of Lightwood Park Road.

The allotments are not currently fenced on any boundary.

There is a water easement that runs down the eastern boundary, and near this section of the property is an open road.

Water Easement

The road that runs near the eastern boundary of the property is for a water easement for Central Highlands Water. The easement extends three metres from the eastern boundary of CA 10. There is a road to the west of the water main, which is located three metres from the boundary, as per the attached plan from Central Highlands Water. The road is thus outside the easement.

Mining activity

There is an old water race leading to the dam, which was man made when the site was being mined in the nineteenth century. There are a number of mullock heaps on the property in

defined locations near the dam. These would be suitably fenced individually or within groups, within the blocks, to prevent unintended access by the future lot owners. The water race and mullock heaps would not be removed or destroyed. Attached to this report are the OP surveys from when the allotments were first alienated from the Crown, which show some of the features of the site and historical elements of the site which will not be disturbed by this proposal.

Planning considerations

Zone

The property is located in the Rural Living Zone

The purpose of the zone is:

- *To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
- *To provide for residential use in a rural environment.*
- *To provide for agricultural land uses which do not adversely affect the amenity of surrounding land uses.*
- *To protect and enhance the natural resources, biodiversity and landscape and heritage values of the area.*
- *To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provision*

Permit trigger - Clause 35.03-3 - Subdivision - A permit is required to subdivide land.

Clause 35.03-5 Decision guidelines provides:

Before deciding on an application to use or subdivide land, construct a building or construct or carry out works, in addition to the decision guidelines in Clause 65, the responsible authority must consider, as appropriate:

General issues

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - *The proposal does not offend these frameworks, statements and policies*
- *Any Regional Catchment Strategy and associated plan applying to the land.*
 - *The proposal does not offend the Corangamite Regional Catchment Strategy 2013-2019*
- *The capability of the land to accommodate the proposed use or development.*
 - *The land is capable of accommodating the proposed subdivision and future use.*

- *Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.*
 - The site is suitable for rural residential use and has been designated by Council, by virtue of the zone and being included in the land marked A in the schedule to the zone, as a property that should have a more intensive use than many other allotments in the Rural Living Zone.

Agricultural issues

- *The capacity of the site to sustain the agricultural use.*
 - The site has no capacity to sustain any agricultural use.
- *Any integrated land management plan prepared for the site.*
 - There is no integrated land management plan
- *The potential for the future expansion of the use or development and the impact of this on adjoining and nearby agricultural and other land uses.*
 - The proposed subdivision allows for nine allotments at approximately 2 hectares. The large allotment will be encumbered as a vegetation offset. As such, there is no scope for future expansion of the use and development.

Environmental issues

- *The impact on the natural physical features and resources of the area and in particular any impact caused by the proposal on soil and water quality and by the emission of noise, dust and odours.*
 - See Vegetation Report as to the natural features and resources.
 - As to the use and impact, the proposal is for residential use on block sizes in excess of 2 hectares. The impact on soil, water quality and emission of noise, dust and odours is minimal.
- *The impact of the use or development on the flora, fauna and landscape features of the locality.*
 - See Vegetation Report, as above
- *The need to protect and enhance the biodiversity of the area, including the need to retain vegetation and faunal habitat and the need to revegetate land including riparian buffers along waterways, gullies, ridgelines, property boundaries and saline discharge and recharge area.*
 - See Vegetation Report, as above
- *The location of on-site effluent disposal areas to minimise the impact of nutrient loads on waterways and native vegetation.*
 - Each lot will contain a field for on-site effluent disposal, in exact locations to be determined by suitably qualified geologist.

Design and siting issues

- *The impact of the siting, design, height, bulk, colours and materials to be used, on the natural environment, major roads, vistas and water features and the measures to be undertaken to minimise any adverse impacts.*

- The siting of the allotments will accord generally with the plan as contained the Vegetation Report and BMO Report. The proposed siting of the building envelopes takes into account the need to be located near the to-be-constructed road. The siting of the building envelopes will present no significant adverse impacts
- *The impact on the character and appearance of the area or features of architectural, historic or scientific significance or of natural scenic beauty or importance.*
 - There will be no relevant impact. The building envelopes are located free from the small mullock heaps that dot the property and will also avoid the dam and water race to the south of the property.
- *The location and design of existing and proposed infrastructure including roads, gas, water, drainage, telecommunications and sewerage facilities.*
 - The road will be predominantly constructed in the existing unmade road reserve. Water, electricity and telecommunications will follow the course of the road. Sewerage will be treated by each dwelling onsite. There is no mains gas in the area.
- *Whether the use or development will require traffic management measures.*
 - The new allotments will be accessed via a road which is currently unmade. There will be negligible traffic management issues created as a result of the extension of the unmade road.

Overlays

The property is subject to Bushfire Management Overlay and Design and Development Overlay (Schedule 7).

Bushfire Management Overlay

Permit trigger - Clause 44.06-1 - Subdivision - A permit is required to subdivide land

Please see the Bushfire Management Statement dated 22nd December 2016 as prepared by Dr Andrew Warnock of Ecology and Heritage Partners which addresses the overlay and requirements.

Design and Development Overlay - Schedule 7 (DD07)

Clause 43.02-3 provides: *A permit is required to subdivide land. This does not apply if a schedule to this overlay specifically states that a permit is not required.*

Schedule 7 to the DDO provides that:
A permit is not required except:

- *To construct an outbuilding or shed where the outbuilding or shed will have a floor area of greater than 120 square metres, including attached verandahs, carports and extensions.*

As the application is for subdivision, this overlay is not a permit trigger.

State Planning Policy Framework

The clauses of the Framework that are relevant to this application are:

- Clause 11.05-1 Regional settlement networks;
- Clause 11.05-4 Regional planning strategies and principles;
- Clause 11.06-4 Sustainable Communities; and
- Clause 16.02-1 Rural residential development

The Framework also provides that planners must consider the *Central Highlands Regional Growth Plan* (Victorian Government, 2014).

The proposal meets the objectives contained in the above clauses and plan overall in that the proposal, amongst other matters:

1. provides for residential use in an area earmarked by Council as a result of being included in land marked A in the schedule to the zone for more intensive residential use. Such zoning of the land came as result of extensive review of rural land use as to appropriate use and development;
2. does not provide for development of agricultural land; and
3. the proposal will provide residential development which is in close proximity to Ballarat and to Smythesdale town centre.

Local Planning Policy Framework

Municipal Strategic Statement

Clause 21.02-2 - Strategic Framework provides that *Smythesdale has been identified as the northern growth centre for the Golden Plains Shire and is expected to grow to a population of 2500 persons by 2031.*

Clause 21.03-4 - Subdivision for dwellings outside townships notes that *over the past two decades the shire has continued to experience demand for low-density residential development.*

The objectives and strategies of this clause are:

- **Objective 1**
 - ***To control the density and overall lot sizes of land in the north west area and Low Density Residential Zone according to environmental conditions and established character***
- **Strategy 1.1**
 - *Require new subdivision to recognise and maintain the surrounding lot*

- configurations and lot size.*
 - The proposal meets this objective. The lots will be 2 hectares approximately and match the existing street layout as fronting Miners Hut Road.
- **Strategy 1.2**
 - *Strongly discourage subdivision within water supply catchment areas in order to protect water quantity and quality*
 - The property is not within a water supply catchment area.
- **Objective 2**
 - ***To avoid indiscriminate subdivision of land in the north west area and Low Density Residential Zones***
 - The proposal is not indiscriminate
- **Strategy 2.1**
 - *Limit the subdivision of land that will be incompatible with the utilisation of the land for sustainable resource use*
 - The is no such use of the land
- **Strategy 2.2**
 - *Require any new subdivision of land to provide appropriate infrastructure, including drainage and roads*
 - This can be a permit condition
- **Strategy 2.3**
 - *Require lots to provide for on site effluent disposal including on-going maintenance of septic systems*
 - This can be a permit condition

Clause 21.04-4 Bushfire

This clause has been addressed in the Vegetation Report and BMO Report.

Local Planning Policies

There are no relevant local planning policies with respect to the proposal.

Decision Guidelines

Approval of an application or plan

Before deciding on an application or approval of a plan, the responsible authority must consider, as appropriate:

- *The matters set out in Section 60 of the Act.*
 - The proposal does not offend any of the subsections of section 60

- *The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.*
 - The proposal does not offend the objectives as outlined in these frameworks, statements and policies
- *The purpose of the zone, overlay or other provision.*
 - One of the zone's purposes is to provide for residential use in a rural environment. The proposal meets this purpose.
- *Any matter required to be considered in the zone, overlay or other provision.*
 - The matters required to be considered are addressed above and in the reports of Ecology and Heritage Partners
- *The orderly planning of the area.*
 - The proposal is consistent with orderly planning and meets Council's expectations when zoning the land as to future subdivision of the site
- *The effect on the amenity of the area.*
 - The proposal will provide for a dwelling on each lot.
- *The proximity of the land to any public land.*
 - The southern portion of the land abuts the Smythesdale/ngarinyook State Forest. The southern portion will be part of the vegetation offset as per the Vegetation Report. The dwellings will not abut public land.
- *Factors likely to cause or contribute to land degradation, salinity or reduce water quality.*
 - The proposal is not likely to cause any of these matters.
- *Whether the proposed development is designed to maintain or improve the quality of stormwater within and exiting the site.*
 - Stormwater from the dwellings will be captured in static tanks, with the overflow maintained.
- *The extent and character of native vegetation and the likelihood of its destruction.*
 - See report of Ecology and Heritage Partners
- *Whether native vegetation is to be or can be protected, planted or allowed to regenerate.*
 - See report of Ecology and Heritage Partners
- *The degree of flood, erosion or fire hazard associated with the location of the land and the use, development or management of the land so as to minimise any such hazard.*
 - The property is not in an area the subject of any overlays for erosion or inundation. With respect to fire, see BMO Report.

In relation to the proposal for subdivision, the following matters must also be considered:

- *The suitability of the land for subdivision.*
 - The land is within the Rural Living Zone. The Schedule to the Zone marks the land as land that can be subdivided to a minimum lot size of 2 hectares. Given the total area of the two allotments exceeds 43 hectares and the proposal is to re-subdivide into 9 allotments, the land is suitable for subdivision.
- *The existing use and possible future development of the land and nearby land.*
 - The property is currently vacant and the subdivision will allow for the development of dwellings on each lot. Land to the west has a current planning

permit for residential use. Land to the south is the State Forest. Land to the East is rural residential as is the land to the north.

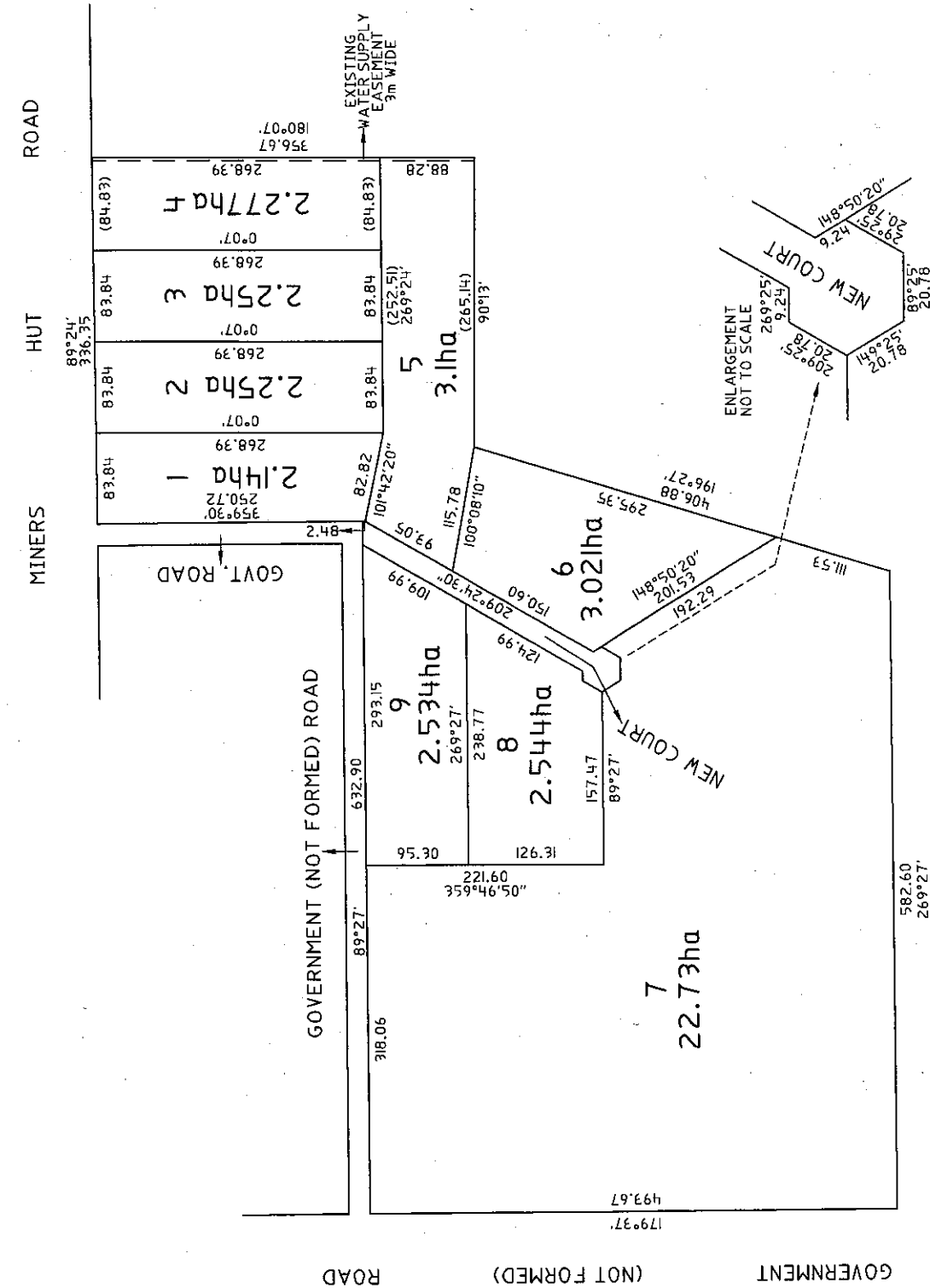
- *The availability of subdivided land in the locality, and the need for the creation of further lots.*
 - As noted in clause 21.03-4, there is demand for rural residential allotments. The two allotments the subject of this application are amongst the last of the Rural Living Zone allotments marked A (i.e. 2 hectares) that are yet to be subdivided.
- *The effect of development on the use or development of other land which has a common means of drainage.*
 - There are no other properties that have a common means of drainage
- *The subdivision pattern having regard to the physical characteristics of the land including existing vegetation.*
 - The subdivision pattern is suitable considering the existing street layout on Mlner's Hut Road. It is also suitable in terms of road access, vegetation management and setback from the proposed offset area at the south of the property.
- *The density of the proposed development.*
 - The property is over 43 hectares in size which provides nominally for 22 separate allotments. The proposed density is in keeping with Council's indication (at the meeting of 11th September 2013 and subsequent to the meeting) that Council would support an application for ten allotments.
- *The area and dimensions of each lot in the subdivision.*
 - Eight of the allotments will be 2 hectares in size (or thereabouts). The remaining allotment will be the balance of the site and will contain the vegetation offset.
- *The layout of roads having regard to their function and relationship to existing roads.*
 - The proposed road will be constructed within the unmade road reserve that separates the property from the other properties that abut Miners Hut Road. This is considered an appropriate and suitable use of the road reserve.
- *The movement of pedestrians and vehicles throughout the subdivision and the ease of access to all lots.*
 - Pedestrian and vehicle access will be possible along the road reserve and the road to be constructed in the road reserve. The road reserve is 20 metres in width.
- *The provision and location of reserves for public open space and other community facilities.*
 - This is not applicable to this proposal
- *The staging of the subdivision.*
 - The subdivision will be in two or more stages given the significant investment in road and connection costs for water, electricity and telephone. The first stage will be for the four lots abutting Miners Hut Road and then subsequent allotments will continue from north to south along the road reserve to the southern allotments
- *The design and siting of buildings having regard to safety and the risk of spread of fire.*
 - See BMO Report.

- *The provision of off-street parking.*
 - The dwellings on each lot will have ample room for off-street parking
- *The provision and location of common property.*
 - There is no need for common property
- *The functions of any body corporate.*
 - No Body corporate will be required
- *The availability and provision of utility services, including water, sewerage, drainage, electricity and gas.*
 - Water, electricity and telephone will be connected to each allotment. Mains gas and reticulated sewerage are not located in the area.
- *If the land is not sewered and no provision has been made for the land to be sewered, the capacity of the land to treat and retain all sewage and sullage within the boundaries of each lot.*
 - The size of each allotment will allow for the sewage and sullage to be contained on the allotment. Land Capability Assessments will be provided if required.
- *Whether, in relation to subdivision plans, native vegetation can be protected through subdivision and siting of open space areas.*
 - Native vegetation will be protected. See Vegetation Report.

Conclusion

The proposal is consistent with the provisions of the Golden Plains Shire Planning Scheme, more particular the Rural Living Zone and the relevant schedule, overlays, frameworks and policy as addressed above.

For these reasons, Council is requested to support the proposal.



PROPOSED PLAN OF SUBDIVISION MINERS HUT ROAD HADDON, 3351

SCALE	LEVEL DATUM
1:4000	NA
TITLE REF.	
VOL. 7704 FOL. 115	
PLAN DRAWN	SURVEY REF.
7/2/2017	14610
VER.	
03	

This plan has been prepared to support a Town Planning Application to subdivide land and should not be used for any other purpose. It is subject to Approval by Council and may be amended without notice.

This note is an integral part of this plan.

ST. QUENTIN
Surveyors · Town Planners · Engineers

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